

DECEMBER 6, 2010

A Regular Meeting of Mayor and Council was convened at 8:06 p.m. on December 6, 2010 in Council Chambers of Borough Hall with Mayor Dempsey presiding.

Mayor Dempsey stated that this meeting is being held in accordance with the Open Public Meetings Act of 1975 and that notice was given to the Coast Star and the Asbury Park Press on December 22, 2009.

Mayor Dempsey welcomed the audience and invited them to join in a moment of silent prayer and a salute to the Flag.

ROLL CALL: Present: Council Members Bossone, Connolly, Donovan, Grasso, Lee

Absent: Council Member Lucas

Also present was Borough Attorney James Kinneally and Borough Administrator/CFO Joseph Delorio

PROCLAMATION: Donald "Scott" Clayton

WHEREAS, Donald "Scott" Clayton retired on November 1, 2010 from the Borough of Manasquan. He served the Borough of Manasquan from 1985 until his retirement; and

WHEREAS, Mr. Clayton was a Patrolman from 1985 – 1995 and served in the rank of Detective. He also served as a Juvenile Officer, from 1995 – 1998. In 2002 he was promoted to Sergeant; and

WHEREAS, Mr. Clayton was a 1985 graduate of the NJ State Police 183rd Municipal Class. He also was a graduate of the NJ CPM program levels, I, II & III and a graduate of State of NJ Statewide Narcotics Task Force "Top Gun" program for narcotics investigators. He received numerous letters of recognition and commendations.

WHEREAS, Mr. Clayton is a Silver Life Member of the NJ State PBA and past president of Manasquan PBA local 284; and

WHEREAS, Mr. Clayton was certified by the NJ Police Training Commission as a police training instructor. He was a certified Breathalyzer and Alcotest operator, Firearms Instructor and Police Range Master. He also was certified as a sexual assault response team investigator and is certified as a public supervisor; and

WHEREAS, he was a staff instructor at the Monmouth County Police Academy in police baton, defensive tactics and chemical agents. Mr. Clayton was also trained in arson investigation, interview and interrogation, juvenile crime and justice, criminal investigation, white collar crime, hostage negotiations and many other law enforcement specialties; and

WHEREAS, Mr. Clayton received the Life Saving Award for his part in the July 25, 1995 rescue of two teenagers in rough waters; and

WHEREAS, he participated in the successful investigation of several high profile crimes including armed robberies, suicides, homicides, sexual assaults and drug offenses.

NOW, THEREFORE, BE IT RESOLVED, that I, George R. Dempsey, Jr., Mayor of the Borough of Manasquan, on behalf of the Borough Council and the good people of Manasquan, do hereby recognize and congratulate Donald "Scott" Clayton for his outstanding service and do hereby proclaim December 6, 2010 as DONALD "SCOTT" CLAYTON RECOGNITION DAY" in the Borough of Manasquan.

APPOINTMENT AND SWEARING IN:

Mayor Dempsey swore Nicholas Tumminelli in as Police Sergeant effective immediately at an annual rate of \$96,317.00

BID AWARD: Central Avenue Roadway Improvements

Mayor Dempsey stated that the low bidder was Pioneer General Contracting Co. for \$350,583.

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Council member Bossone made a motion to accept the low bid from Pioneer General Contracting Co., seconded by Council Member Lee. "Yes", Council Member Bossone, Connolly, Donovan, Grasso, Lee. "no" none

PRESENTATION: Lia Trench and some of the members of the Squan Beach Life Saving Station Committee, Inc. presented a check to the Borough of Manasquan in the amount of \$30,000.

CONSENT AGENDA

**RESOLUTION
174-2010**

BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF MANASQUAN, IN THE County of Monmouth, New Jersey (not less than three (3) members thereof affirmatively concurring) as follows:

1. All bills or claims as reviewed and approved by the Administration & Finance Committee and as set forth in this Resolution are hereby approved for payment.
2. The Mayor, Municipal Clerk and Chief Financial Officer are hereby authorized and directed to sign checks in payment of bills and claims which are hereby approved.

The computer print-out of the list of checks will be on file in the Clerk's Office.

CURRENT FUND	2,855,297.70
	(Includes Bd of Ed taxes 2,568,485.33 & Fire District Levy 216,446.25)
WATER/SEWER FUND:	12,278.00
BEACH FUND. :	9,096.05
GENERAL CAPITAL FUND:	33,458.23
WATER/SEWER CAPITAL FUND:	40,498.68
BEACH IMPROVEMENT FUND:	

**RESOLUTION
168-2010**

BE IT RESOLVED by the Council of the Borough of Manasquan, County of Monmouth, State of New Jersey that:

WHEREAS, refunds for overpayments on the following tax bills are due on the below described property in the amount designated as follows:

BLOCK: 115 LOT: 13 NAME: Richard Griffith

PROPERTY LOCATION: 373 E. Main Street

AMOUNT OF REFUND: \$2,151.47

REASON FOR REFUND: Homeowners refinanced mortgage. Both the title company and old mortgage company paid 2010 taxes.

REFUND CHECK TO BE MADE PAYABLE TO:

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Richard Griffith
373 E. Main Street
Manasquan, NJ 08736

WHEREAS, the Tax Collector has certified that the current property owner is entitled to the refund.

NOW, THEREFORE, BE IT RESOLVED that the Chief Financial Officer is hereby authorized and directed to draw a warrant in the said amount to the above listed property with said warrant to be charged against the General Ledger.

**RESOLUTION NO.
167-10**

**RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH
OF MANASQUAN, COUNTY OF MONMOUTH, NEW JERSEY,
APPOINTING NICHOLAS TUMMINELLI AS SERGEANT OF THE
MANASQUAN POLICE DEPARTMENT**

WHEREAS, due to several retirements, the Borough of Manasquan ("Manasquan") is in need of a Sergeant in the Police Department; and

WHEREAS, the Chief of Police has reviewed the candidates for the position of Sergeant with the Manasquan Police Department; and

WHEREAS, the Chief of Police has recommended that the Borough of Manasquan promote Nicholas Tumminelli to Sergeant of the Manasquan Police Department.

NOW, THEREFORE BE IT RESOLVED on the 6th day of December, 2010, by the Borough Council of the Borough of Manasquan, in the County of Monmouth and State of New Jersey as follows:

1. Mr. Nicholas Tumminelli is promoted to the position of Sergeant in the Manasquan Police Department.
2. The effective date of this appointment is December 6, 2010.
3. The salary for this position is \$96,317.00 per year.
4. A certified copy of this resolution shall be sent to:

Mr. Nicholas Tumminelli
201 East Main Street
Manasquan NJ 08736

**RESOLUTION
30-2011**

BE IT RESOLVED by the Borough Council of the Borough of Manasquan, County of Monmouth, New Jersey is authorized to appoint Nancy Acciavatti, 73 Marcellus Avenue, Manasquan, NJ from

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provisional appointment to permanent Deputy Clerk as of February 1, 2011 no salary change.

**RESOLUTION
172-2010**

BE IT RESOLVED by the Mayor and Council of the Borough of Manasquan wishes to provide the necessary restoration and rehabilitation to the Squan Beach Life Saving Station #9; and

WHEREAS, the Squan Beach Life Saving Station Committee, Inc. wishes to make a donation of \$30,000 towards the restoration and rehabilitation of the Squan Beach Life Saving Station #9; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Manasquan that the Borough accepts a donation from the Squan Beach Life Saving Station Committee, Inc. in the amount of \$30,000.00 and hereby authorizes the CMFO to charge these funds against the appropriation associated with these costs.

**RESOLUTION
177-2010**

BE IT RESOLVED by the Borough Council of the Borough of Manasquan, County of Monmouth, State of New Jersey, that the following transfer in the 2010 Budget be authorized:

CURRENT FUND

TO:

Solid Waste- Other Expenses	\$10,000
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FROM:

Landfill/Solid Waste	\$10,000
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**RESOLUTION
169-2010**

WHEREAS, it has been determined by the Zoning Board Chairman John Burke and the Board Attorney that the following application has been closed and any unused funds returned back to the applicant:

The Flanders, Beachfront A#23-2000 Blk 179/Lot 1

AND WHEREAS, the Chief Financial Officer has determined that the amount of unused escrow funds is \$1,180.48

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Manasquan, State of new Jersey that the Borough authorizes the Chief Financial Officer to return any unused escrow funds to the applicant as indicated above.

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**RESOLUTION
170-2010**

WHEREAS, it has been determined by the Zoning Board Chairman John Burke and the Board Attorney that the following application has been closed and any unused funds returned back to the applicant:

580 E. Main Street A#34-2002 Blk171/1

AND WHEREAS, the Chief Financial Officer has determined that the amount of unused escrow funds is \$1,586.08.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Manasquan, State of new Jersey that the Borough authorizes the Chief Financial Officer to return any unused escrow funds to the applicant as indicated above.

**RESOLUTION
171-2010**

WHEREAS, it has been determined by the Zoning Board Chairman John Burke and the Board Attorney that the following application has been closed and any unused funds returned back to the applicant:

Downtown Manasquan, 152 Main Street A#23-2002 Blk 62/3.01

AND WHEREAS, the Chief Financial Officer has determined that the amount of unused escrow funds is \$3,093.00.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Manasquan, State of new Jersey that the Borough authorizes the Chief Financial Officer to return any unused escrow funds to the applicant as indicated above.

**RESOLUTION
173-2010**

WHEREAS, an emergency has arisen with respect to the health and safety of the residents of the Borough of Manasquan during the weekend of November 27, 2010, and

WHEREAS an emergency occurred requiring significant discharging repairs at the Water Well – Well number 5; and

WHEREAS, a water value broke on Main Street and Third Avenue requiring additional emergency reconstruction; and

WHEREAS, the amount necessary to reconstruct and repair was not over the bid threshold but was over the quote threshold; and

WHEREAS, as a result of the emergency, an additional quote(s) for this work was not possible due to the need for a quick and immediate response; and

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WHEREAS, the Chief Financial Officer has certified the availability of fund; and

NOW THEREFORE BE IT RESOLVED that the Borough of Manasquan authorizes the payment of \$6,847.87 to Mark Woszczak Mechanical Contractor Inc. for said emergency work.

**RESOLUTION NO.
176-2010**

**RESOLUTION AWARDING A CONTRACT FOR CENTRAL
AVENUE ROADWAY IMPROVEMENTS IN THE BOROUGH OF
MANASQUAN, COUNTY OF MONMOUTH STATE OF NEW
JERSEY**

WHEREAS, public bids were advertised for and received pursuant to the Local Public Contracts Law (N.J.S.A. 40A: 11-1 et seq.) for the Central Avenue Roadway Improvements project; and

WHEREAS, six bids for this equipment were received:

Pioneer General Contracting Co.	\$350,583.00
Lucas Construction	\$358,812.00
B & B Construction	\$392,397.60
Black Rock	\$400,760.00
Earle Asphalt Co.	\$406,613.13
DeFino Contracting	\$455,000.00

WHEREAS, the Pioneer General Contracting Co. submitted a monetary bid in the amount of \$350,583.00; and

WHEREAS, the bid by Pioneer General Contracting Co. complies with the bid specifications and includes all required documentation; and

WHEREAS the Borough Council has determined, for the reasons set forth below, that the bid of Pioneer General Contracting Co. is a responsive and responsible bid; and

WHEREAS, the Borough Council is desirous of awarding a contract to Pioneer General Contracting Co. in the amount of \$350,583.00 for the project;

NOW, THEREFORE BE IT RESOLVED on the 6th day of December, 2010, by the Mayor and Council of the Borough of Manasquan, in the County of Monmouth and State of New Jersey, as follows:

1. This Bid award is subject to the review and approval of the Bid Documents by both the Manasquan Borough attorney and the New Jersey Department of Transportation Bureau of Local Aid.
2. Subject to the above condition, a contract in the amount of \$350,583.00 is awarded to Pioneer General Contracting Co. for this project.
3. The Mayor and Municipal Clerk are authorized and directed to execute all necessary documents to effectuate a contract with Pioneer General Contracting Co.
4. A certified copy of this resolution shall be sent to:

Pioneer General Contracting Co.

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92 Anderson Avenue
Monroe Township, NJ 08831

Council Member Donovan made a motion to accept the Consent Agenda, seconded by Council Member Connolly. Motion carried by the following vote: "yes" Council Member Bossone, Connolly, Donovan, Grasso, Lee, "no" none.

ORDINANCES

Ordinance 2076-10 Taxi Ordinance has been tabled.

COMMITTEE REPORTS

Law and Code Committee – Council Member Grasso stated that he went to Congressman Smith's office today to bring to the attention of the Wind Mill that is going to be built. He stated that it is going to be a tough fight against the feds, but this is going to be a disaster if it is put in our back yard. He stated that there is a study for wildlife but not for human effects as far as any flickering, pacemakers, problems with keeping concentration. It is very near to all our schools. He advised that there was meeting last week to meet with the Realtors to discuss property value and should this be built so close to proximity with the residents of Manasquan, Brielle, and Sea Girt. He stated that it was given to Congressman Smith and we await his response. He stated that he would like to meet with Congressman Smith, Assemblymen from District 10 and 11. He advised once there is a date for the meeting he will get the information out to the residence.

Administration and Finance Committee – Council Member Connolly had nothing further at this time.

Public Property and Parks Committee – Council Member Lee had nothing further at this time.

Beach Committee – Council Member Bossone had nothing further at this time.

Public Works Committee – Council Member Donovan advised the council the Borough Administrator Joseph DeIorio and the Auditor Alan Schechter are working on the water and sewer rates for next year. He stated that they should have a report ready for the next council meeting so that the rates can be in place to take place next year.

Council Member Donovan made a motion to open the meeting up to the public, seconded by Council Member Bossone. Motion carried unanimously.

AUDIENCE PARTICIPATION

Mary Kotsopoulos, 30 Ocean Avenue stated that she attended the meeting that Council Member Grasso attended concerning the proposed Turbine. She stated that it will impact our whole town economically. She suggested that the Brielle/Little League through Recreation should be real involved in this matter. She feels that the Board of Education and the PTO should be involved. She went over a list of issues that could affect the children of Manasquan as result of the Wind Turbine being put in the Borough's backyard. She stated that she believes that Sea Girt is taking this issue much more seriously than Manasquan is. She recommended that the liaisons to the Board of Education and to PTOs and Little League Recreation be involved in this fight.

Council Member Lee stated that he was at the same meeting and he has forwarded the information on to the Board of Education members. He also sent the information on to PTO members and some of the Little League and Pop Warner members. He stated that there is no one that disagrees that it is town wide. He thanked Mary for her input.

Jim O'Neill, 45 Mclean Avenue stated that he appreciates what is being done and that he will help in any way. He asked what we can do as a community. He asked if there is a petition that we can all sign?

Council Member Grasso stated that he already has some petitions.

Mr. O'Neill asked how to get to that petition?

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Council Member Grasso stated that there were 4 people that are on the committee.....

Mr. O'Neill stated that there should be 4,576 signatures. Everyone in this town is going to be affect one way or another. He stated that if there is a petition and you need our (IFAM) help they will start walking around to get signatures.

Council Member Grasso stated we could use IFAM's help. He stated that this has been going on since August 17.

Mr. O'Neill stated that if there is a petition that IFAM will help.

There was a conversation with Mr. O'Neill and an unidentified female in the audience along with Council Member Grasso.

Mayor Dempsey stated that the way it works is that you write a letter that letter goes into a pile when they get 10 letters they start a file. When they get 25 letters then they start thinking about doing an action. He advised that you would need a minimum of 25 to 50 letters. He advised that the people that it should go to are Holzapfel, Wolfe, Ciesla and Chris Smith. He stated that if you can reach out and get 25 to 50 letters minimum it would get action.

Council Member Grasso stated that he sent letters to Commissioner Martin, Christie, Lautenberg, Menendez, our assemblymen and our senators.

There was a discussion on who the letters should be sent to.

Lou Cocozza, 45 North Potter stated that he has in his possession 2 form letters that he was handing out. He stated that one went to the State DEP and the other to Chris Christie. He stated that he would send them to Jim O'Neill via e-mail.

Council Member Lee made a motion to close the public session, seconded by Council Member Bossone Motion carried unanimously.

Mayor Dempsey made a statement that since the council member has not been elected yet, he would like to hold over all the positions, committees, liaisons and the professional appointments until the Election is settled one way or another so that the new council member can participate in the selection.

Council Member Bossone made a motion to hold over the positions for 30 days until the Election has been settled, seconded by Council Member Lee. Motion carried by the following vote: "yes" Council Member Bossone, Connolly, Donovan, Grasso, Lee, "no" none.

Council Member Donovan made a motion to close the regular meeting at 8:33 p.m., seconded by Council Member Bossone. Motion carried unanimously.

Respectfully submitted,

B. Ilaria

Barbara J. Ilaria
Municipal Clerk

DATE APPROVED 3-8-2011